

With regard to health insurance, the issues are clear and familiar, and something the Senate has debated before, in the context of the consideration of larger privacy issues. As Congress debated what is now the Health Insurance Portability and Accountability Act of 1996, we also addressed the issues of privacy of medical information. And any legislation that seeks to fully address these issues must consider the interaction of the new protections with the newly promulgated privacy rule which was mandated by HIPAA, and our legislation does just that.

Now we must ensure that we protect genetic information, genetic tests, as well as information regarding a request for genetic testing, from being used by the insurer against the patient. Genetic information only detects the potential for a genetically linked disease or disorder, and potential does not equal a diagnosis of disease. However, it is critical that this information be available to doctors and other health care professionals when necessary to diagnose, or treat, an illness. It is the difference that we must recognize as we discuss legislation to protect patients from potential discriminatory practices by insurers.

Unlike our legislative history on debating health privacy matters, the issues surrounding protecting genetic information from workplace discrimination is new. And to that end, the legislation I introduce today creates these protections in the workplace. As demonstrated by the Burlington Northern case, the threat of employment discrimination is real and therefore it is essential that we take this information off the table, so to speak, before the use of this information becomes widespread. While Congress has not yet debated this specific type of employment discrimination, we have a great deal of employment case law and legislative history on which to build.

As we considered the need for this type of protection, we agreed that we must extend current law discrimination protections to genetic information. We reviewed current employment discrimination law and considered what sort of remedies people would have for instances of genetic discrimination and if these remedies would be different from those available to people under current law, for instance under the ADA or the EEOC.

The bill we introduce today creates new protections by paralleling current law. In addition it addresses changes in the law that have occurred since the original introduction of my bill and the other bills on this subject. The momentum to address this issue has finally reached a critical mass. Clearly this is an issue whose time has come.

It has been more than eighteen months since the completion of the working draft of the Human Genome. Like a book which is never opened, the wonders of the Human Genome are useless unless people are willing to take advantage of it.

It's my sincere hope that the bipartisan legislation I introduce today is the beginning of the end of the debate in our effort to ensure that every one of us is just as protected from discrimination because of what is in our genes as we are from our heritages, our genders and our impairments.

Mr. FRIST. Madam President, I rise once again today to speak on the critical issue of genetic discrimination and to proudly join my colleagues, Senators SNOWE, JEFFORDS, COLLINS, ENZI, DEWINE, HAGEL, and GREGG in introducing the Genetic Information Nondiscrimination Act of 2002.

The threat of genetic discrimination, both in the workplace and with respect to health insurance coverage, is one of the most troublesome Congress faces. As our scientific knowledge has improved, the threat of discrimination has increased. As a physician, as a medical researcher, and ranking member of the Subcommittee on Public Health, I have a long and deep interest in this issue, and I believe we have a unique responsibility to ensure that medical and scientific progress does not result in individual harm.

For example, I am deeply troubled by reports of women declining genetic testing out of fear that they may lose their health insurance, even though a genetic test might reveal that a woman is not at high risk and therefore allow her to make more informed health care choices. When I first joined Senator SNOWE to introduce legislation banning genetic discrimination in health insurance in 1998, almost one-third of women offered a test for breast cancer risk at the National Institutes of Health declined, citing concerns about health insurance discrimination. If unchecked and unregulated, this fear of discrimination clearly has the potential to prevent individuals from participating in research studies or taking advantages of new genetic technologies to improve their medical care.

Scientific advances hold the promise of higher quality medical care, yet there is a pressing need for federal legislation to reassure the public that learning this information will not result in a loss of health insurance coverage or in the loss of a job. I am committed to a bipartisan legislative solution, and have worked extensively towards this goal with Senator SNOWE, JEFFORDS, and a number of the members of this Committee over the past several years. I believe that, together, we have made an important step in addressing this through the Genetic Information Nondiscrimination in Health Insurance Act, which has been passed by the Senate on three separate occasions.

Today, we are building on that work, and on the solid foundations established in law by the Civil Rights Act, Americans with Disabilities Act, and Health Insurance Portability and Accountability Act. The Genetic Information Nondiscrimination Act of 2002 builds upon our progress in the health

insurance area and expands our previous legislation to address the threat of employment discrimination and health insurance based on genetic information. Moreover, the bill incorporates the most recent scientific understandings in the field of genetics research in establishing protections and defining relevant terms.

I believe that it is incumbent upon us to pass legislation this year that is comprehensive, consistent, reasonable and fair. I am troubled by some legislative approaches that would place these new protections outside of the established framework of our time-tested civil rights laws and that would establish separate protections against genetic discrimination than exist for other types of discrimination. The bill today meets that standard of providing strong protections that are consistent with the current state of scientific knowledge, as well as current law.

I commend my colleagues for their commitment to this issue. I also commend President Bush for his commitment to ensuring strong protections against genetic discrimination and for calling attention to this critical matter. Through this important legislation, we have the opportunity to dispel the threat of discrimination based on an individual's genetic heritage, and I look forward to working with my colleagues to enact this legislation this year.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 217—RELATIVE TO THE DEATH OF THE HONORABLE HOWARD W. CANNON, FORMERLY A SENATOR FROM THE STATE OF NEVADA

Mr. DASCHLE (for himself, Mr. LOTT, Mr. REID, and Mr. ENSIGN) submitted the following resolution; which was considered and agreed to:

S. RES. 217

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Howard W. Cannon, formerly a Senator from the State of Nevada.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the deceased Senator.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2980. Mr. DASCHLE (for himself, Mr. BINGAMAN, Mr. REID, Mr. MURKOWSKI, Mr. STEVENS, and Mr. BAYH) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes.

SA 2981. Mr. MILLER submitted an amendment intended to be proposed to amendment